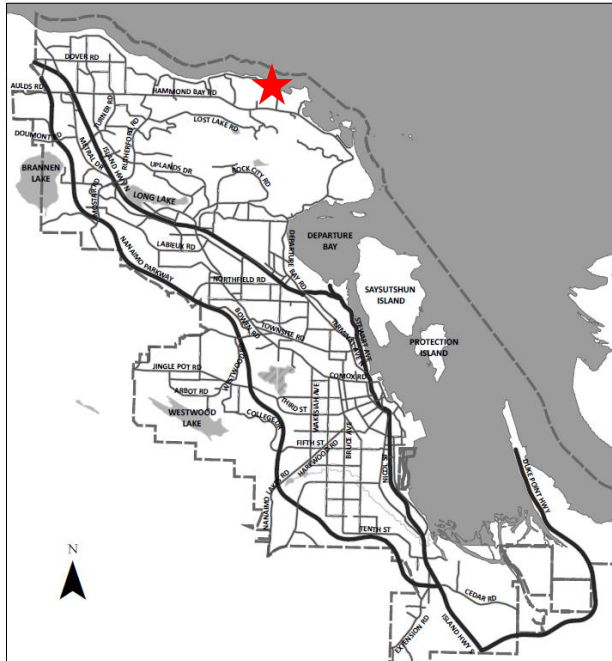


FOR: COUNCIL MEETING

MEETING DATE: February 2, 2026

DEPARTMENT: PLANNING AND DEVELOPMENT

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION NO.
DVP00490 – 4834 SHORECLIFF POINT**



Proposal:

Variance to allow overheight fencing on existing retaining walls

Zoning:

R5 – Three and Four Unit Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

1,191m²

DVP



OVERVIEW**Purpose of Report**

To present for Council's consideration a development variance permit application for proposed overheight fencing on existing retaining walls at 4834 Shorecliff Point.

Recommendation

That Council issue Development Variance Permit No. DVP490 for overheight fencing on existing retaining walls at 4834 Shorecliff Point with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2026-FEB-02.

BACKGROUND

A development variance permit application, DVP490, was received from Turner & Associates Land Surveying Inc. on behalf of Robert and Sabina Reey, to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), to permit overheight fencing on existing retaining walls within the front and south side yard setbacks for a residential property at 4834 Shorecliff Point.

Subject Property and Site Context

The subject property is a waterfront strata lot located within an established gated development in the Rocky Point neighbourhood. The property currently consists of a single residential dwelling. The site has steep topography that slopes down toward the ocean, which required the construction of retaining walls during the initial construction of the house. The surrounding neighbourhood includes low-density residential development, as well as Rocky Point Park, Walley Creek Trail, Neck Point Park and the Greater Nanaimo Pollution Control Centre.

DISCUSSION**Proposed Development**

The applicant is proposing to construct 1.6m high metal transparent fencing on top of the existing retaining walls that support the landscaped areas within the front and side yard setbacks. The retaining walls vary in height from 0.9m to 1.6m, which would only allow for a low fence of 0.3m to 0.8m in height under current regulations. The applicant has requested a variance to allow taller fencing to effectively protect the landscape areas from wildlife.

Proposed Variances*Fence Height*

The maximum permitted height of a retaining wall or fence (or combined retaining wall and fence) in the R5 zone within a front yard setback is 1.2m and 2.4m within a side yard setback. The applicant has requested the following variances:

- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 1.6m, a requested variance of 0.4m.

- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 2.8m along the driveway, a requested variance of 1.6m.
- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 3.0m at the southern corner of the property, a requested variance of 1.8m.
- To increase the maximum height of a combined retaining wall and fence within the south side yard setback from 2.4m to 3.0m, a requested variance of 0.6m.

The City of Nanaimo's Consideration of Variances Policy outlines considerations for evaluating Development Variance Permit applications such as land use justification, and potential aesthetic, functional, or environmental impacts. The applicant has provided the following rationale demonstrating how they can address these considerations:

- The proposed fence does not negatively impact neighbouring properties in terms of view, access to light, privacy, or enjoyment of their space.
- The property is currently enclosed by a temporary fence to keep out local wildlife (deer), and the variance request would allow permanent fencing to be installed that complements the community's aesthetic.
- A fence constructed to the maximum permitted height under the zoning bylaw would not effectively prevent wildlife intrusion.

Staff support the proposed variances as the fence does not result in inappropriate development of the site. No negative impacts are anticipated on adjacent properties or views from neighbouring lots given the sloping topography; and a letter of support from the neighbouring property to the north at 4838 Shorecliff Point was submitted in support of the application. Additionally, the proposed transparent metal mesh fence design will minimize intrusion into the landscaped areas and complement the character of the neighbourhood.

COMMUNICATION AND COMMUNITY ENGAGEMENT

Pursuant to Section 499 of the *Local Government Act*, notification for the proposed Development Variance Permit No. DVP490 was mailed on 2026-JAN-22 to property owners/residents within 10m of the subject property. |

KEY MESSAGES

- Development Variance Permit Application No. DVP490 is for overheight fencing on existing retaining walls within the front and south side yard setback at 4834 Shorecliff Point.
- No negative impacts to the adjacent property are anticipated and a letter of support from the neighbouring property at 4838 Shorecliff Point was submitted in support of the application.
- Staff support the proposed variances. |

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map

ATTACHMENT C: Site Survey
ATTACHMENT D: Fence Elevation
ATTACHMENT E: Site Photos

Authored by:

Vidhi Kyada
Planning Technician, Current Planning

Concurrence by:

Lainya Rowett
Manager, Current Planning

Jeremy Holm
Director, Planning and Development

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

The “City of Nanaimo Bylaw Zoning 2011 No. 4500” is varied as follows:

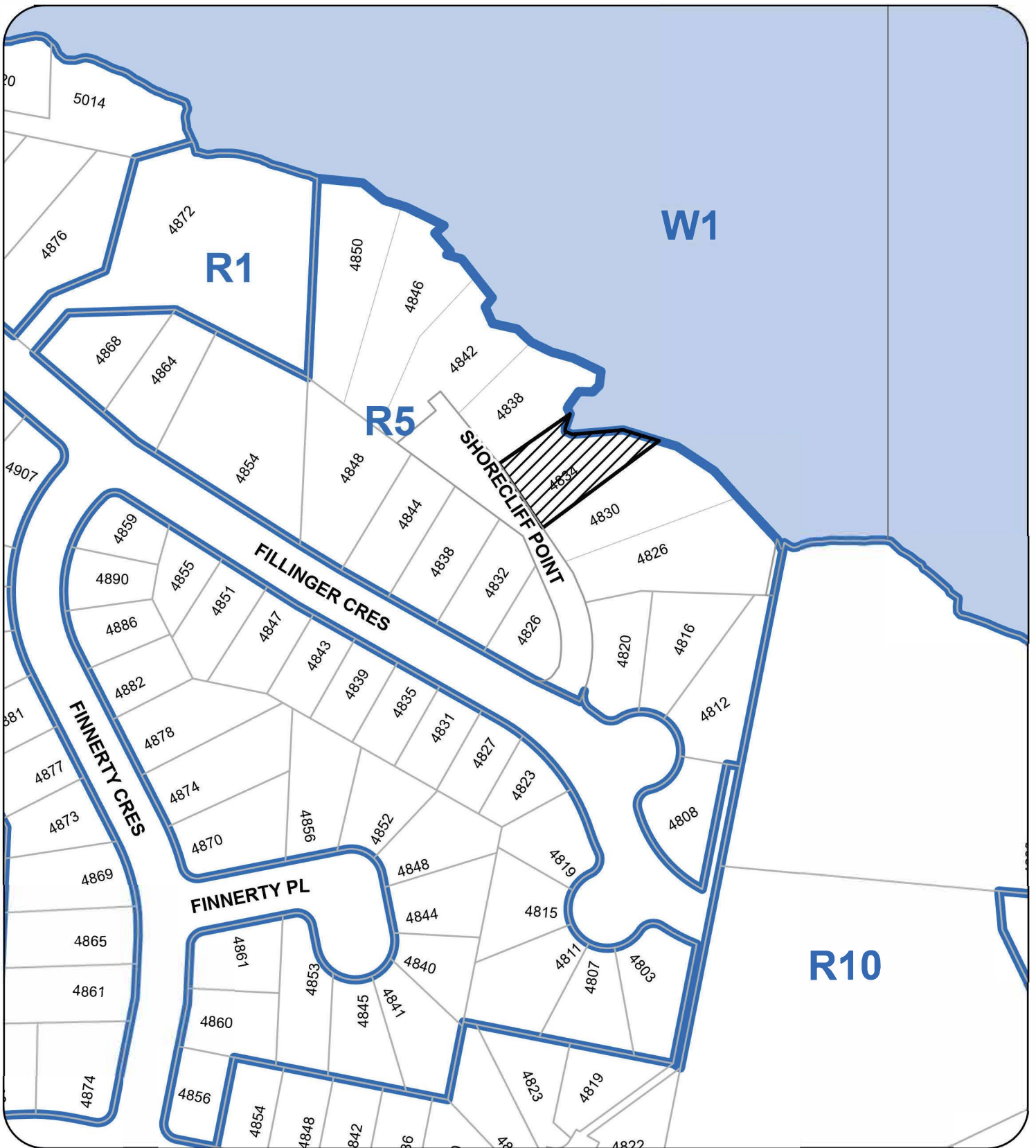
1. *Section 6.10.2 Fence Height –*

- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 1.6m, as shown on Attachment C and D;
- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 2.8m along the driveway, as shown on Attachment C and D;
- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 3.0m at the southern corner of the property, as shown on Attachment C and D; and
- To increase the maximum height of a combined retaining wall and fence within the south side yard setback from 2.4m to 3.0m, as shown on Attachment C and D.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by Turner & Associates Land Surveying, dated 2025-DEC-12, as shown in Attachment C.

ATTACHMENT B SUBJECT PROPERTY MAP



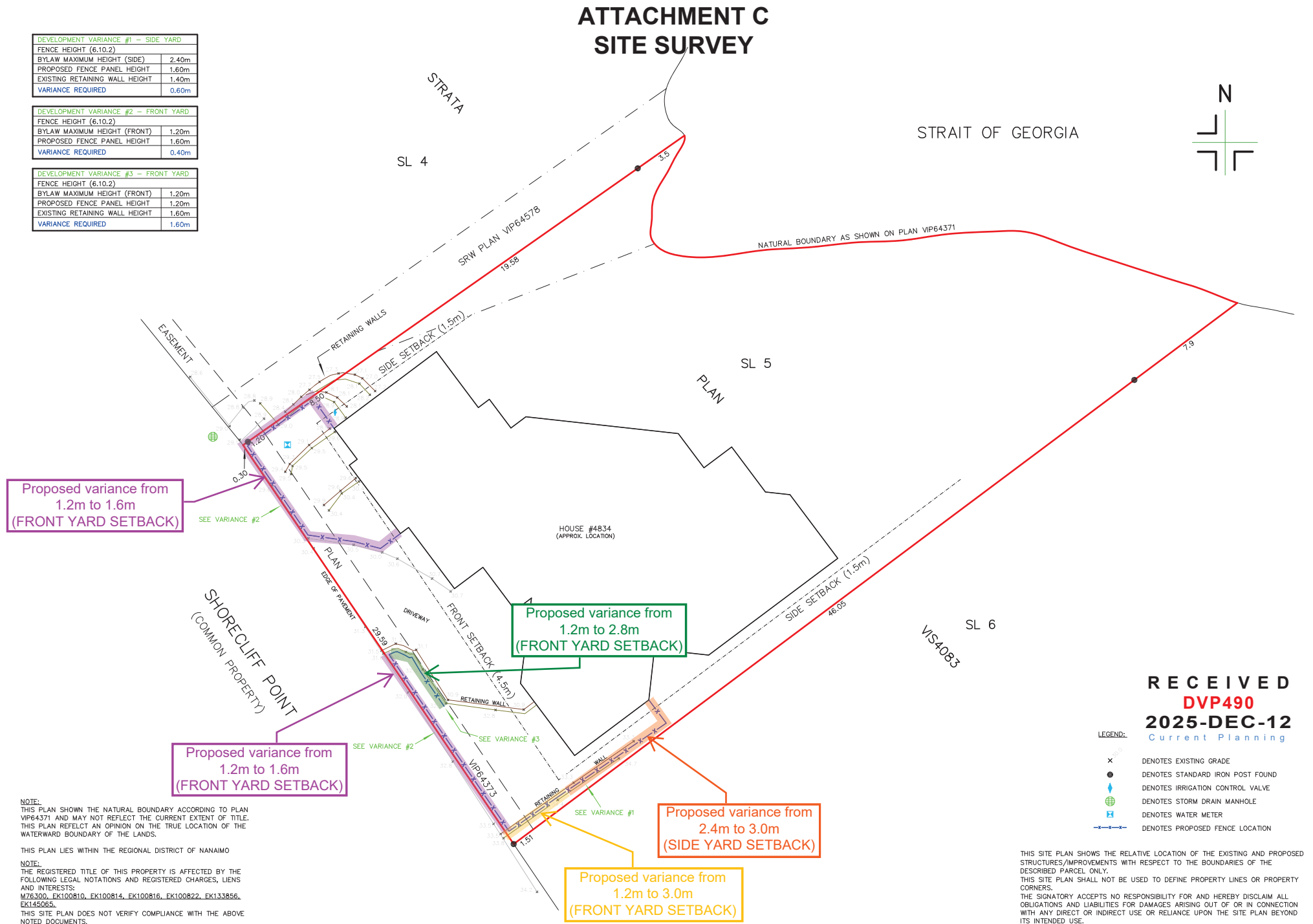
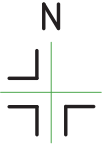
4834 SHORECLIFF POINT

ATTACHMENT C SITE SURVEY

DEVELOPMENT VARIANCE #1 – SIDE YARD	
FENCE HEIGHT (6.10.2)	
BYLAW MAXIMUM HEIGHT (SIDE)	2.40m
PROPOSED FENCE PANEL HEIGHT	1.60m
EXISTING RETAINING WALL HEIGHT	1.40m
VARIANCE REQUIRED	0.60m

DEVELOPMENT VARIANCE #2 – FRONT YARD	
FENCE HEIGHT (6.10.2)	
BYLAW MAXIMUM HEIGHT (FRONT)	1.20m
PROPOSED FENCE PANEL HEIGHT	1.60m
VARIANCE REQUIRED	0.40m

DEVELOPMENT VARIANCE #3 -- FRONT YARD	
FENCE HEIGHT (6.10.2)	
BYLAW MAXIMUM HEIGHT (FRONT)	1.20m
PROPOSED FENCE PANEL HEIGHT	1.20m
EXISTING RETAINING WALL HEIGHT	1.60m
VARIANCE REQUIRED	1.60m



NOTE:
THIS PLAN SHOWN THE NATURAL BOUNDARY ACCORDING TO PLAN
VIP64371 AND MAY NOT REFLECT THE CURRENT EXTENT OF TITLE.
THIS PLAN REFLECT AN OPINION ON THE TRUE LOCATION OF THE
WATERWARD BOUNDARY OF THE LANDS.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO

NOTE:
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE
FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS
AND INTERESTS:

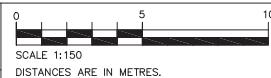
M76300, EK100810, EK100814, EK100816, EK100822, EK133856,

THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE
NOTED DOCUMENTS.

SITE PLAN SHOWING PROPOSED FENCE HEIGHT VARIANCE:
STRATA LOT 5, DISTRICT LOT 51,
WELLINGTON DISTRICT, STRATA PLAN VIS4083

CLIENT: BOB REEY	CIVIC ADDRESS: 4834 SHORECLIFF POINT
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FILE: 12-058-SL5	SCALE: 1:150	DRAWN BY: BEP	ZONING: R1	PID: 023-612-185
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THIS PLAN WAS COMPLETED ON THE 1st DAY OF AUGUST, 2025

Digitally signed by Brody Phillips
7EK9BN

— B.C.L.S. #994

(THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.)

RECEIVED
DVP490
2025-DEC-12
Current Planning

LEGEND:



DENOTES EXISTING GRADE
DENOTES STANDARD IRON POST FOUND
DENOTES IRRIGATION CONTROL VALVE
DENOTES STORM DRAIN MANHOLE
DENOTES WATER METER
DENOTES PROPOSED FENCE LOCATION

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.

THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

Turner & Associates
land surveying inc.

250.753.9778
435 TERMINAL AVENUE NORTH
NANAIMO, BC V9S 4J8
www.turnersurveys.ca

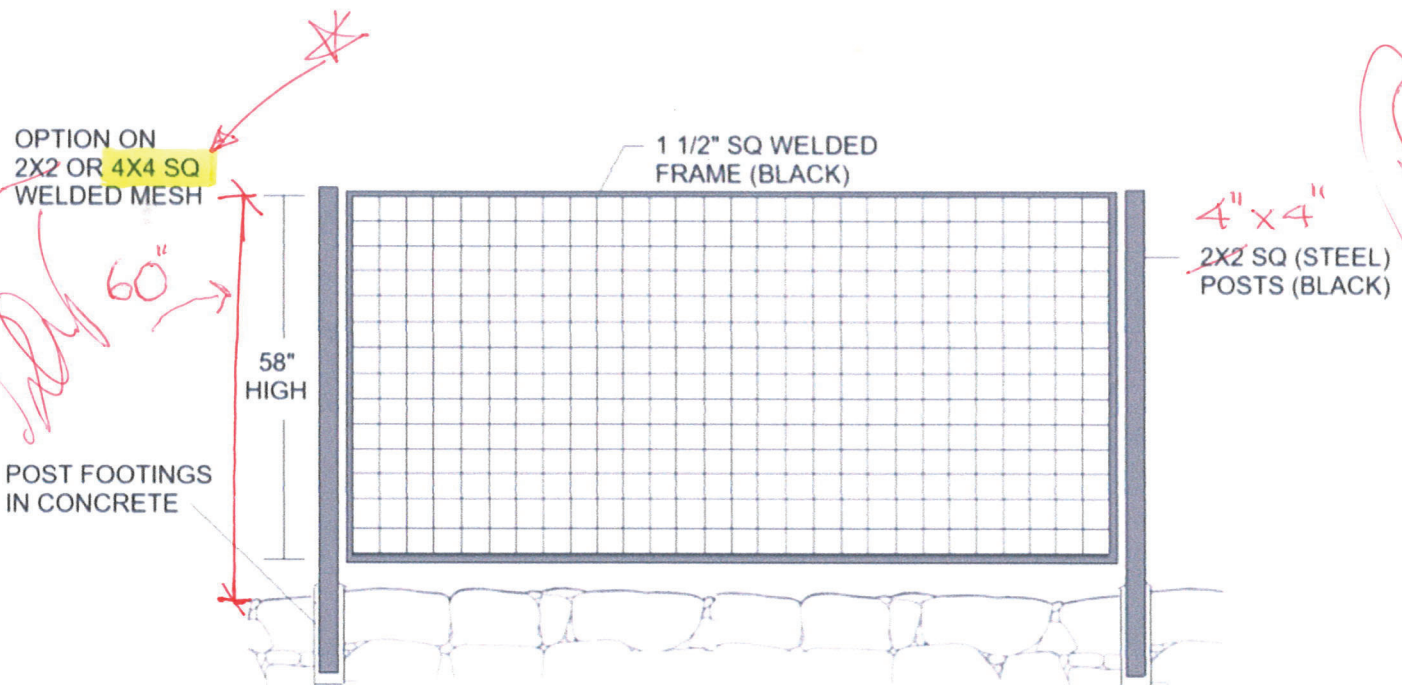
ATTACHMENT D FENCE ELEVATION



TOWER FENCE PRODUCTS LTD.
1080 Goldstream Ave.
Victoria, BC V9B 2Y5
(250) 478-9733 / FAX (250) 478-3139

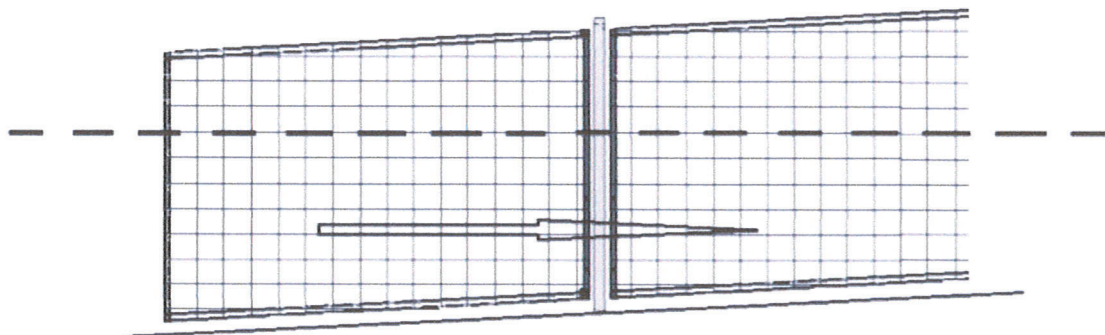
Project Name: Robert Reey
1834 Shorecliff Point, Nanaimo BC

Wire Mesh Fence Detail



(PANELS BUILT TO SUIT SLOPED GRADE)

POWDER COATED IN BLACK



MESH STAYS LEVEL THROUGH ALL PANELS

RECEIVED
DVP490II
2025-SEP-17
Current Planning

ATTACHMENT E SITE PHOTOS

